

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER DENYING OAKLAND'S  
MOTION IN LIMINE NO. 2**

Re: Dkt. No. 197

Cappio's understanding of the meaning of the ordinance might have relevance if it informed the way the City enforced the ordinance, in a case where OBOT was challenging the particular manner in which the ordinance was being enforced. *See Hoye v. City of Oakland*, 653 F.3d 835, 849-50 (9th Cir. 2011). But OBOT contends the ordinance is unlawful as written or simply may not be applied to OBOT. Therefore, the testimony from Cappio's deposition cited by OBOT in its summary judgment papers seems largely irrelevant. Nonetheless, the City's motion in limine to exclude testimony from Cappio regarding her understanding of the ordinance is denied because this matter is better addressed at trial than on a blanket basis by way of motion in limine.

**IT IS SO ORDERED.**

Dated: January 9, 2018

  
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VINCE CHHABRIA  
United States District Judge